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JPRS L/9442

12 December 1980

# Worldwide Report

LAW OF THE SEA

(FOUO 7/80)



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## WORLDWIDE REPORT

### LAW OF THE SEA

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### CONTENTS

#### WORLDWIDE AFFAIRS

Details of Guinea-Bissau-EEC Fishing Agreement  
(MARCHES TROPICAUX ET MEDITERRANEES, 19 Sep 80) ..... 1

Briefs  
Joint Mauritanian-Portuguese Company ..... 3

#### ASIA

#### INTER-ASIAN AFFAIRS

ROK, Japan Settle Three-Year Fishery Dispute  
(ORIENT PRESS, 3 Oct 80) ..... 4

Briefs  
ROK-Japan Agreement ..... 5

#### SUB-SAHARAN AFRICA

#### INTER-AFRICAN AFFAIRS

Guinea Urged To Recognize Guinea-Bissau Claims  
(Augusta Conchiglia; AFRIQUE-ASIE, 13 Oct 80) ..... 6

#### WEST EUROPE

#### FRANCE

Exploitation of Ocean Resources Reviewed, Updated  
(MARCHES TROPICAUX ET MEDITERRANEENS, 14 Nov 80) ..... 10

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WORLDWIDE AFFAIRS

DETAILS OF GUINEA-BISSAU-EEC FISHING AGREEMENT

Paris MARCHES TROPICAUX ET MEDITERRANEENS in French 19 Sep 80 p 2292

[Text] In its 29 August 1980 issue (No L.2226), the JOURNAL OFFICIEL DES COMMUNAUTES EUROPEENNES published the texts of (EEC) Council Regulation No 2213/80 of 27 June 1980, dealing with the conclusion of an agreement between the Guinea-Bissau Government and the EEC concerning fishing along the Guinea-Bissau coast, of two sets of correspondence referring to it and of the agreement itself.

The regulation specifies that the agreement between the Guinea-Bissau Government and the EEC concerning fishing along the Guinea-Bissau coast and the two sets of correspondence referring to it have been approved in the name of the community. Also, Decision 80/255/EEC has been rescinded.

According to the terms of the agreement, concluded for a period of 2 years and renewable on a year-to-year basis barring notice of termination, fishing in Guinea-Bissau fishing grounds carried on by community ships is subject to possession of a license issued by Guinea-Bissau at the request of the community.

These licenses are valid from the date they were issued until 31 December of the year in which they are issued or for a period of 6 months from 1 January to 30 June or from 1 July to 31 December of a given year. The licenses are issued for a specific ship and are not transferrable.

The issuance of fishing licenses by Guinea-Bissau authorities is subject to the payment of a fee by the shipowner or manager concerned. Furthermore, ships authorized under the terms of this agreement to fish in Guinea-Bissau fishing grounds may be required to unload part of the catches taken in this area in Guinea-Bissau ports.

In return for the opportunities for fishing granted under the terms of this agreement, the community extends the Republic of Guinea-Bissau a financial compensation granted without prejudice to financing the Republic of Guinea-Bissau benefits from under the terms of the Lome agreement. This financial compensation will be used to finance projects involving coastal and fresh-water fishing.

1  
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The appendix to the agreement, which sets forth fishing requirements, specifies that fees shall be determined in accordance with the following scale: deep-sea trawlers, 420 francs a year per gross register ton; tuna freezer ships, 4 French centimes per kilogram of fish caught.

The limits set by the fishing agreement signed on 27 February 1980 are as follows for the first 2 years of application of the agreement: deep-sea trawlers, 6,500 gross register tons; tuna freezer ships, 23,300 gross register tons.

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WORLDWIDE AFFAIRS

BRIEFS

JOINT MAURITANIAN-PORTUGUESE COMPANY--Mr Carlos Manuel Casquinho, chairman of the Portuguese fishing company, announced on 16 October that Portugal and Mauritania have just set up a joint venture. Four companies, two from each country, have joined forces in the joint venture whose establishment should allow Portuguese fishermen to come back to fish off the Mauritanian coast. In June 1980 Nouakchott had in effect cancelled all fishing licenses granted to the Portuguese, announcing that they would only be renewed after joint ventures had been established. Mauritania is a traditional fishing ground for Portuguese vessels which from January to June 1980 caught 4,365 tons of fish. Numerous self-employed fishermen have given up fishing in this area as much because of the stand taken by Mauritania as the dispute between Morocco and the Polisario over what nationality the Saharan coastlines are, which since July has resulted in the boarding and inspection of three Portuguese fishing boats. [Text] /Paris MARCHES TROPICAUX ET MEDITERRANEENS in French 24 Oct 80 p 2610] 9631

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INTER-ASIAN AFFAIRS

ROK, JAPAN SETTLE THREE-YEAR FISHERY DISPUTE

SK030232 Seoul ORIENT PRESS in English 0138 GMT 3 Oct 80

[Text] Seoul Oct. 3 (OP)--Korea and Japan have completely agreed to allow each other's fishing vessels to operate in the waters off the Japanese island of Hokkaido and around Korea's Cheju Island putting an end to a three-year bilateral fishery dispute.

The agreement came during their ninth round of bilateral fishery talks, which ended in Seoul Thursday.

According to the agreement, Korea will voluntarily restrict its fishing operations around Hokkaido to reduce its annual pollack haul by half to 70,000 to 80,000 tons.

Korean fishing boats had caught some 150,000 tons of pollack annually around Hokkaido, meeting 60 percent of their country's pollack demand. However, the United States' allocation of an additional 70,000 tons in Alaska pollack quota for Korea is enough to make up for the reduction, Foreign Ministry officials said Friday.

Similar voluntary restrictions will be imposed on Japanese fishing boats operating in the waters off Cheju Island under the agreement to reduce their annual catches by operating for only three months a year.

Korean Foreign Minister No Sin-yong and Japanese ambassador to Seoul Ryoze Sunobe are expected to exchange a diplomatic document guaranteeing the agreement in mid-October, the officials said.

Seoul and Tokyo had nine working-level officials meetings and three fishery office directors meetings during the past three years to reach the agreement.

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INTER-ASIAN AFFAIRS

BRIEFS

ROK-JAPAN AGREEMENT--Agriculture, Forestry and Fisheries Minister Takao Kameoka reported at a cabinet meeting Friday that Japan and South Korea have agreed to halve fish hauls by Japanese fishing boats around Cheji Island and by Korean boats off Hokkaido. The reductions will be made by establishing fishing areas subject to restrictions on the duration of operations and the number of boats allowed to operate. The agreement, which will go into effect November 1, was concluded in bilateral talks on September 20. Since South Korean fishing boats began flocking to waters off Hokkaido in 1977 after being shut out from 200-mile fishing zones established by the United States and the Soviet Union, there have been troubles with local Japanese coastal fishermen. Takao told the cabinet meeting that necessary relief measures will be taken for fishermen of western Japan affected by the restrictions. [Text] [OW182232 Tokyo ASAHI EVENING NEWS in English 17 Oct 80 p 1]

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INTER-AFRICAN AFFAIRS

GUINEA URGED TO RECOGNIZE GUINEA-BISSAU CLAIMS

Paris AFRIQUE-ASIE in French 13 Oct 80 pp 48-49

[Article by Augusta Conchiglia]

[Excerpts] The serious situation existing between Conakry and Bissau cannot leave us indifferent just as it cannot leave world public opinion indifferent, particularly that of the African continent.

No matter what claims may be made by one side or the other, two essential elements must be retained if we want to have this dispute, which is threatening to turn into a conflict, settled in a equitable and durable manner. In the first place, the borders bequeathed by colonialism after World War II cannot be challenged by any of the countries which signed the OAU Charter. For if it is stated that the historical borders of Guinea-Conakry should be those of the former African empires, then there would be justification for the unacceptable claims of Morocco against Algeria, Mauritania and the Western Sahara, just as Egypt could justify its claims to the confines of the Nile.

In the second place, we consider the need for seeking a solution to this conflict by negotiation to be crucial. An honest and fair negotiation in which the spirit of hegemony and domination and every complex of superiority should be rejected. And if direct negotiation fails, if the mediation of third powers does not bring positive results, other recourses at the international level should be tried. Provided that force or the fait accompli are not the method selected.

Recently Conakry granted the American oil company, Union Texas, rights to exploration in the sea within an area comprising the border region which is the subject of a dispute with Guinea-Bissau. This grant has also caused serious malaise in Bissau which had made an agreement with Conakry that none of the countries involved in the delimitation of the borders of the former Portuguese colony\* should undertake the exploitation of resources existing in the contested regions before a solution to the problem has been found.

The efforts of the Bissau Government to find a friendly settlement, then to take the differences, which go back in time to before its accession to independence, to the negotiations table, were successive failures. However, President Sekou Toure's visit to Bissau last April generated a last hope of reaching an understanding.

\*Guinea-Conakry, Guinea Bissau and Senegal

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But on that occasion there was a vain attempt to settle the border dispute, which involves regions having an obvious economic interest, as has just been confirmed by the contract signed with Union Texas.

It must be recognized that the arguments presented by Conakry to justify its decision is raising serious obstacles. In fact, the Guinea leaders are rejecting a calm evaluation of Guinea-Bissau's position; and Conakry is basing its case on the OAU position concerning the inviolability of the borders inherited from colonialization, which means that in this specific instance it is a question of adhering to the 1886 Portuguese-French convention, an argument which is not, moreover, being contested by the Bissau Government. But that is where the shoe pinches: Conakry, on the basis of the above-mentioned principle, feels it self-evident that the economic maritime region should be divided between the two countries by simply extending the line of the southern border along the parallel cited by the 1886 convention. The latter, by awarding all the offshore islands to Guinea-Bissau set the southern border on the parallel immediately below the island located the furthest south (Pillao); i.e. 10° 40'.

The text of this convention states: "Portugal will be awarded all the islands comprised between the Cabo Roxo meridian, the coast and the southern limit constituted by a line which will follow the course of the Cajet River and will be prolonged to the south and east, following the Channel of the Pilots, until it reaches the 10° 40' parallel north latitude (see map). Obviously the signatories of the convention did not concern themselves about defining the maritime border properly speaking, which was not set at 200 miles from the coast until a few years ago. To make the calculation with respect to division, the International Convention on the Law of the Sea, which was established in Geneva a few years ago, provides precise criteria which take numerous factors into account, including the configuration of the country involved and the declivity of its continental shelf as well as that of its neighbors. In the absence thereof, many of the countries of the Gulf of Guinea, for example, although they are riparian countries, would have practically no access to the sea.

That is what is threatening to happen with Guinea-Bissau if its neighbors to the north and to the south maintain their current positions.

What is more, by using as a reference the convention signed at the end of the past century by the two colonial powers to define the maritime borders, Guinea-Conakry no longer recognizes a decision which in 1964 was the subject of a governmental decree and which it was still maintaining until very recently.

On the basis of an accord reached in 1960 between Portugal and France, the decree promulgated in 1964 by Guinea-Conakry established the borders 2 miles further to the north, thus encompassing the Island of Pillao and dividing the Island of Canefaque down the middle.

At that time, the PAIGC was engaged in an armed liberation struggle against the Portuguese colonialists who were occupying its territory. It did not wish to publicly acknowledge what it considered a violation of its borders, all the more so because relations between Amílcar Cabral's parti and the Guinean Democratic Party of Sekou Toure were characterized by close historical ties. The polemic on this difference had, therefore, been suspended after independence.

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However, today, with the accord signed between Conakry and Union Texas, it is difficult to avoid the problem; and some observers are expressing their surprise. In fact, after having refused to recognize the 1886 convention and having rejected the very principle of the need for any settlement whatever concerning the maritime borders and sticking to its 1964 decree, Conakry had finally taken the self-same 1886 convention as its reference--without, however, wishing to reach an agreement with its neighbor on interpretation of the terms of this document--before finally taking action.

Responding to Bissau's vehement protest, the Conakry leaders are making the point that, if the former Portuguese colony had agreed after independence to the establishment between the two countries of forms of "confederal, federal or unitary association," the border problem would have been transformed into cooperation. Before colonization, it is still noted in Conakry, there was only "one Guinea."

However, in this case, what has become of the OAU principle of respect for the borders inherited from colonization? And above all, how is it possible not to see that, from the colonial conquest until the organized opposition of two peoples to foreign domination, many factors have intervened, which have contributed to giving the two nations specific characteristics? Thus the Portuguese colonial presence had an influence on the customs of part of the people of Guinea-Bissau, where, for example, it caused the emergence of a vehicular language like creole, which has taken on national proportions. And, above all, it is on the long armed struggle for liberation which was conducted around the combatants of the PAIGC and its renowned founder, Amilcar Cabral, that the national heritage of Guinea-Bissau reposes.

#### Opening of Talks

Respect for the heroic battle waged by Guinea-Bissau cannot fail today to be translated into concrete recognition in all sectors of its rights as an independent republic.

Similarly, French colonization, and particularly the long battle conducted under different but no less difficult conditions by the people of Guinea-Conakry, under the direction of its leader, Sekou Toure, have forged the specific characteristics of this country, whose erstwhile challenge thrown down to the former metropolis has always been a stimulating example for the African peoples.

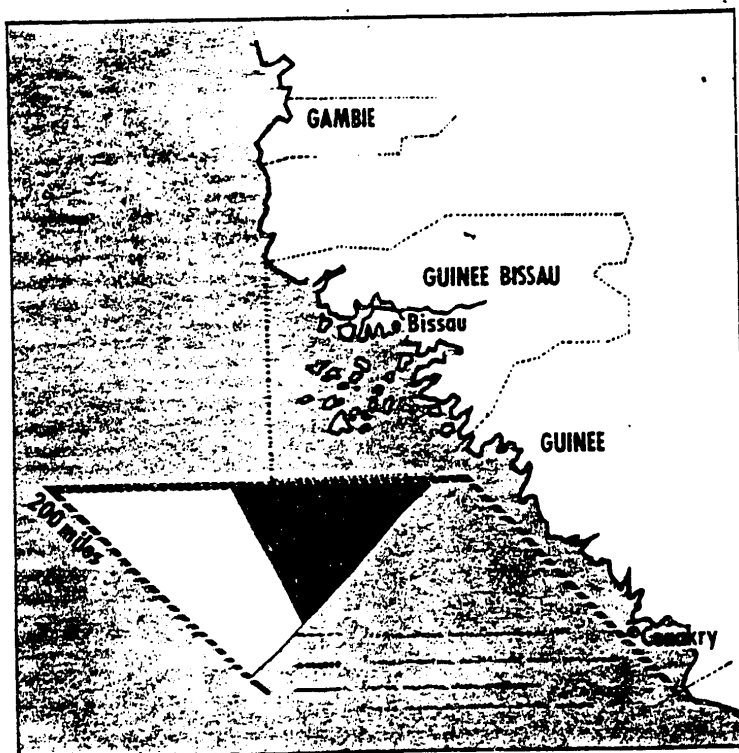
To lose this credibility which was acquired at the price of so much suffering, it goes without saying, would be a victory for imperialism. "Those who attacked Guinea in November 1970 danced with joy and raised their glasses of whisky when they learned that the Guinea-Bissau army was rising up against our country," Sekou Toure said recently.

But is not the only way to put an end to this "joy" recognition of the rights of Guinea-Bissau and the initiation of talks with its leaders on the problem under dispute? The spectacle of a border war between two countries which

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common struggles and harsh trials have closely linked can have nothing but distressing consequences for the continent.



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FRANCE

EXPLOITATION OF OCEAN RESOURCES REVIEWED, UPDATED

Paris MARCHES TROPICAUX ET MEDITERRANEENS in French 14 Nov 80 p 3004

[Text] During the French Council of Ministers meeting on 5 November 1980, Daniel Hoeffel, minister of transport, and Andre Ciraud, minister of industry, read a paper on the exploitation of ocean resources.

As regards energy and mineral resources of the oceans, the Minister of Industry said that their exploitation could make a contribution to our energy and metals supplies. The extent of the areas involved and the quality of the techniques which such exploitation gives an opportunity to develop should permit France to play an important role in this sector.

With respect to the search for oil, exploration of the deep sea areas under French jurisdiction continued in 1980, in accordance with the French hydrocarbons research and development program.

A program for the exploitation of ocean mining resources has already been undertaken. Three new missions by the oceanographic ship "Jean-Charcot" are scheduled for the next 6 months.

What is more, the discovery by the National Center for Exploitation of the Oceans (CNEXO) of important metalliferous deposits in certain promising areas of the deep seabed will be the subject of scientific analysis. The current development of a mining device is the first phase of a remote-controlled underseas workshops project for the exploitation of "polymetallic nodules."

To attain the desired results, France will need enterprises to exploit all of its geographical and technical assets. In the oil sector, exploration for undersea resources has been placed in the priority action category.

As for exploitation of the oceans' living resources, the Minister of Transport said that, thanks to its scientific expertise, the possibilities of its metropolitan and overseas coastlines and important domestic market, France has assets which it would be advisable to exploit. As regards, aquaculture, the state of the art permits the undertaking of salmonid production in the Atlantic and of bass in the Mediterranean. To this end, the establishment of enterprises will be encouraged and scientific and technical assistance will be given to them by the research centers. Similarly, basic research will be stimulated with a view to a second development stage which will involve the production of other species, such as flat fish, turbot, gilthead. The overseas departments and territories will have a special program.

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